

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:	)	
	)	
Cummings Manookian, PLLC	)	CASE NO. 319-07235-CW-7
	)	Chapter 7
Debtor(s)	)	Judge Walker

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: June 17, 2021**  
**IF A RESPONSE IS TIMELY FILED, A HEARING WILL BE: June 25, 2021, 11:00a.m.,**  
**By AT & T conference line number 1-888-363-4749; Access Code 7250422#**

**NOTICE OF CHAPTER 7 TRUSTEE'S OBJECTION TO CLAIM NUMBER 4 FILED BY  
NORTH, PURSELL & RAMOS, PLC, ON BEHALF OF TOBY SMITH, M.D. AND MIDDLE TN  
PULMONARY ASSOC.**

Jeanne Ann Burton, Trustee, has asked the court for the following: order to disallow claim number 4.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response, answer, or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE, ANSWER OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>.**

If you need assistance with Electronic Filing, you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy court in person at: 701 Broadway, 1<sup>st</sup> Floor, Nashville, TN (Monday - Friday, 8:00 a.m. - 4:00 p.m.).

2. **Your response should state the deadline for filing responses, the date of the scheduled hearing is and the motion to which you are responding.**

If a response is filed before the deadline stated above, a hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the original of the attached order granting that relief.

Date: 5/18/2021

**/s/ Jeanne Ann Burton**  
Jeanne Ann Burton  
Jeanne Ann Burton, PLLC  
Attorneys for Trustee  
4117 Hillsboro Pike, Ste 103-116  
Nashville, TN 37215  
(615) 678-6960  
[jeanne.burton@comcast.net](mailto:jeanne.burton@comcast.net)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:  
Cummings Manookian, PLLC  
Debtor(s)

)  
) CASE No. 319-07235-CW-7  
) CHAPTER 7  
) JUDGE Walker

**CHAPTER 7 TRUSTEE'S OBJECTION TO CLAIM NUMBER 4 FILED BY NORTH, PURSELL  
& RAMOS, PLC, ON BEHALF OF TOBY SMITH, M.D. AND MIDDLE TN PULMONARY  
ASSOC.**

Jeanne Ann Burton, Trustee, by and through counsel, respectfully represents the following to the Court:

1. This Chapter 7 case was filed on November 6, 2019. The Trustee was appointed as the Chapter 7 Trustee and is duly qualified.

2. Claim 4 as amended by Claim 4-2 (collectively "The Claim"), filed by North, Pursell & Ramos, PLC, on behalf of Toby Smith, M.D. and Middle TN Pulmonary Assoc., was filed as a secured claim. The basis for the claim is a Charging Order which subjected all financial interests of Brian Manookian in the Debtor to the satisfaction of a judgment against Brian Manookian, individually. The Claim does not represent a debt of the Debtor and should be disallowed. The Trustee recognizes and acknowledges the Charging Order and will honor said obligation if there is a surplus in this case.

3. Pursuant to B.R. 3007 and L.B.R. 3007-1, the declaration regarding statement of the basis for disallowance of a claim is attached hereto and made a part hereof.

4. Pursuant to B.R. 3007 and L.B.R. 3007-1, notice of this Motion shall be mailed to the Claimant, giving the Claimant 30 days to file an objection hereto.

**WHEREFORE, THE TRUSTEE PRAYS** for the entry of an order sustaining Trustee's objection and disallowing Claim Number 4, and for such other relief as is necessary and appropriate.

**DATED: 5/18/2021**

Respectfully submitted,  
JEANNE ANN BURTON, PLLC

**/s/ Jeanne Ann Burton**  
Jeanne Ann Burton  
4117 Hillsboro Pike, Ste 103-116  
Nashville, Tennessee 37215  
(615) 678-6960  
[jeanne.burton@comcast.net](mailto:jeanne.burton@comcast.net)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the NOTICE, OBJECTION and PROPOSED ORDER was either mailed electronically or by U.S. mail, postage prepaid, this 18th day of May, 2021 to the United States Trustee, to the Debtor, to the Debtor's attorney and to all creditors listed on the matrix attached to the original of this pleading on file with the Clerk of the Court.

**/s/ Jeanne Ann Burton**  
Jeanne Ann Burton

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:  
Cummings Manookian, PLLC  
Debtor(s)

)  
) CASE No. 319-07235-CW-7  
) CHAPTER 7  
) JUDGE Walker

**PROPOSED ORDER DISALLOWING CLAIM NUMBER 4 FILED BY NORTH, PURSELL &  
RAMOS, PLC, ON BEHALF OF TOBY SMITH, M.D. AND MIDDLE TN PULMONARY ASSOC.**

Upon the Motion of Jeanne Ann Burton, Trustee, objecting to Claim Number 4 ; thirty (30) days notice having been given pursuant to L.B.R. 9013-1 and L.B.R. 3007-1, and no objections having been filed;

**IT IS HEREBY ORDERED** that Claim Number 4 in this case shall be disallowed.

**IT IS FURTHER ORDERED** that this order is deemed a final determination as to the disallowance of Claim Number 4.

**This order was signed and entered electronically as indicated at the top of the first page.**

Submitted for entry:  
JEANNE ANN BURTON, PLLC

/s/ Jeanne Ann Burton  
Jeanne Ann Burton  
4117 Hillsboro Pike, Ste 103-116  
Nashville, Tennessee 37215  
(615) 678-6960  
jeanne.burton@comcast.net

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:)

Cummings Manookian, PLLC

Debtor(s)

) CASE NO. 319-07235-CW-7  
) CHAPTER 7  
) JUDGE Walker  
)

**DECLARATION OF JEANNE ANN BURTON, TRUSTEE IN SUPPORT OF OBJECTION TO  
CLAIM NUMBER 4 FILED BY NORTH, PURSELL & RAMOS, PLC, ON BEHALF OF  
TOBY SMITH, M.D. AND MIDDLE TN PULMONARY ASSOC.**

Comes now Jeanne Ann Burton, Trustee, and declares as follows:

1. I am the duly appointed Chapter 7 Trustee in the case of Cummings Manookian, PLLC, Case No. 319-07235-CW-7, pending in the United States Bankruptcy Court for the Middle District of Tennessee.
2. In my capacity as Chapter 7 Trustee, I have examined all proofs of claim filed in the case.
3. My review indicates that Claim 4 as amended by Claim 4-2 (collectively the "Claim"), filed by North, Pursell & Ramos, PLC, on behalf of Toby Smith, M.D. and Middle TN Pulmonary Assoc., was filed as a secured claim. The basis for the Claim is a Charging Order which subjected all financial interests of Brian Manookian in the Debtor to the satisfaction of a judgment against Brian Manookian, individually. The Claim does not represent a debt of the Debtor and should be disallowed.

Under penalty of perjury, I declare that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated this 18th day of May, 2021.

/s/ Jeanne Ann Burton, Trustee

JEANNE ANN BURTON, TRUSTEE

CUMMINGS MANOOKIAN, PLLC  
c/o Brian Manookian  
45 Music Square West  
NASHVILLE, TN 37203-3205

Steven L. Lefkovits  
Lefkovitz and Lefkovitz, PLLC  
618 Church St., Ste 410  
NASHVILLE, TN 37219-2452

Dean Chase, Sandra Chase and D.F. Chase, Inc  
c/o Daniel H. Puryear  
104 Woodmont Blvd-Ste 201  
Nashville, TN 37205-2245

GRANT KONVALINKA & HARRISON, P.C.  
c/o Harry R. Cash  
633 Chestnut St., Ste 900  
CHATTANOOGA, TN 37450-0900

George Robertson, M.D. and Family Medical Associates  
c/o Phillip North, North Pursell & Ramos, PLLC  
414 Union Street  
Nashville, TN 37219-1783

Toby Smith, M.D. and Middle TN Pulmonary  
c/o Phillip North, North Pursell & Ramos, PLLC  
414 Union St., Ste 1850  
Nashville, TN 37219-1783

Afsoon Hagh and Hagh Law, PLLC  
c/o Craig V. Gabbert, Jr. and Glen B. Rose, Bass,  
Berry & Sims PLC  
150 Third Ave. S., Ste. 2800  
Nashville, TN 37201

Ronette Leal McCarthy, Esq  
c/o Lynne B. Xerras, Esq.  
Holland & Knight LLP, 10 St. James Ave.  
Boston, MA 02116

InsBank  
Philip Fons, EVP & CCO  
2106 Crestmoor Rd  
Nashville, TN 37215

Megan Seliber  
Office of UST  
701 Broadway, Ste 318  
Nashville, TN 37203